

# **Town Board Minutes**

## **Meeting No. 29**

### **Regular Meeting**

**August 18, 2003**

# ***Town Board Minutes***

August 18 , 2003  
Meeting No. 29

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 18<sup>th</sup> day of August at 8:00 P.M. and there were

**PRESENT:** MARK MONTOUT, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** RICHARD ZARBO, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
TERRENCE McCRACKEN, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

## **PERSONS ADDRESSING TOWN BOARD:**

**Dalconzo, Judy, 354 Iroquois Avenue, spoke to the Town Board on the following matters:**

- Upset that the old fire hall on Seitz is being demolished and a new larger building is being constructed.
- Feels that the neighborhood is not conducive to such a large building.

**Chowanec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:**

- Questions regarding Department of Environmental Conservation's wetland delineation in Windsor Ridge Subdivision.
- Read communication #469 submitted by Mary Rafalski regarding the Comprehensive Master Plan.

**Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matter:**

- Concerns about traffic on Maple Drive and lack of speed sign after entry from Bowmansville.

**Mazurowski, John, 11 Stephens Court, spoke to the Town Board on the following matter:**

- Comments about the public comment period during Town Board meetings.

**Przybysz, Paul, 66 Northwood Drive, spoke to the Town Board on the following matter:**

- Wants clarification of resolution memorializing NYS Department of Environmental Conservation for the wetland delineation in Windsor Ridge Subdivision.

**Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matters:**

- Feels that there should be more detail to proposed Noise Ordinance.
- He is a proponent of the Town of Lancaster's recommissioning of Ad Hoc Committee for refuse collection.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Jill Monacelli for a Special Use Permit for a Home Occupation (pet care business) on premises locally known as 440 Lake Avenue.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Richard Korez	4946 William Street	Questions
Jill Monacelli, applicant	440 Lake Avenue	Will not board dogs; bathes dogs; no signs; large parking area.

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND  
SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC  
HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:35 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

August 18, 2003

**PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:**

At 8:40 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Ordinance of the Town of Lancaster as petitioned by the Town Board to Chapter 50, Section 25(B)(1)(c) General Industrial District and Chapter 50, Section 9(B)(1) Agricultural Residential Districts.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Jeff Davis	218 Calumet Street	Questions/Comments
Dan Beutler	26 Tyler Street	Comments
Don Symer	610 Columbia Avenue	Comments
Gloria Kubicki	15 Maple Drive	Questions

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND  
SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC  
HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:59 P.M.

The Supervisor informed those present that the Town Board would reserve  
decision on this matter.  
August 18, 2003

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Planning Board and the  
Town Board held August 4, 2003 and the Regular Meeting of the Town Board held August 4, 2003  
be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	ABSTAINED
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 18, 2003

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 17 (F) of the Code of the Town of Lancaster, upon the application of **JILL MONACELLI**, for a Special Use Permit for a Home Occupation (pet care business) on premises located at 440 Lake Avenue, Lancaster, New York, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **JILL MONACELLI**, for a Home Occupation (pet care business) on premises located at 440 Lake Avenue, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section 17 (F), of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:

- a. Only persons residing on the premises shall be engaged in such an occupation;
- b. The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. The area devoted to the home occupation shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure. It may be within the principal accessory structure;
- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation;
- d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference perceptible to the normal senses off the lot;
- e. There shall be no outdoor sign advertising this business;
- f. This Special Use Permit terminates when the applicant no longer resides on the premises.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 18, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTGOMERY, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has reviewed the Noise Ordinance of the Code of the Town of Lancaster and has determined it to be in the public interest to amend Chapter 38, "Noise", of the Code of the Town of Lancaster, by deleting §38-4 (C) in its entirety and enacting in place thereof a new §38-4 (C) of Chapter 38, "Noise" of the Code of the Town of Lancaster which shall read as follows:

#### CHAPTER 38 - NOISE

Section 38-4. Specific acts constituting unreasonable noise., of Chapter 38, "Noise", of the Code of the Town of Lancaster shall be amended by deleting Section 38-4 (C) in its entirety and enacting in place thereof a new Section 38-4 (C) as follows:

"Section 38-4. Specific acts constituting unreasonable noise.

.....

C. The use and operation of any sound-reproduction device in a vehicle which would constitute a threat to the safety of pedestrians or vehicle operators or where conditions of overcrowding or street repair or other physical conditions are such that the use of a sound reproduction device would deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of a public street, park or place for public purpose and would constitute a threat to the safety and welfare of the public. Said noise disturbance is deemed to be in violation of this section if it can be heard from a distance of greater than fifty (50) feet."

#### NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a Public Hearing on a proposed amendment to Section 38-4 of Chapter 38, "Noise", of the Code of the Town of Lancaster, County of Erie and State of New York will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 2<sup>nd</sup> day of September, 2003, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, and that Notice of the time and place of such hearing be published on or before the 21st of August, 2003, in the Lancaster Bee, the official newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.



The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 18, 2003

File: ramendmentnoisordinance803

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 18th day of August, 2003, the said Town Board will hold a Public Hearing on the 2nd day of September, 2003 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to Section 38-4, Specific acts constituting unreasonable noise, of Chapter 38, "Noise", of the Code of the Town of Lancaster:

**CHAPTER 38 - NOISE**

Section 38-4. Specific acts constituting unreasonable noise., of Chapter 38, "Noise", of the Code of the Town of Lancaster shall be amended by deleting Section 38-4 (C) in its entirety and enacting in place thereof a new Section 38-4 (C) as follows:

"Section 38-4. Specific acts constituting unreasonable noise.

C. The use and operation of any sound-reproduction device in a vehicle which would constitute a threat to the safety of pedestrians or vehicle operators or where conditions of overcrowding or street repair or other physical conditions are such that the use of a sound reproduction device would deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of a public street, park or place for public purpose and would constitute a threat to the safety and welfare of the public. Said noise disturbance is deemed to be in violation of this section if it can be heard from a distance of greater than fifty (50) feet."

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY:           JOHANNA M. COLEMAN**  
Town Clerk

August 18, 2003

Stempniak/ \_\_\_\_\_

**Amend Zoning Ordinance Re: Text Change Chapter 50-25(B)(1)(c) Permitted Uses And Chapter 50-9(B)(1) Permitted Structures & Uses [Ordinance: Zoning Text Change]**

**At the request of Council Member Stempniak, this resolution was withdrawn for further study.**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town of Lancaster joined with the Town of Alden to seek joint refuse and garbage collection bids, and

**WHEREAS**, the Town of Alden employed Metzger Civil Engineering, PLLC to revise the bid specifications prior to the joint bid, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it appropriate for the Town to assume one-half of the cost incurred by the Town of Alden for the revision of the joint bid specification;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to pay the sum of \$2,594.50 to Metzger Civil Engineering, PLLC which represents the Town's fifty percent share of the cost incurred by the Town of Alden pursuant to the understanding between the Town of Alden and the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 18, 2003

File: metzgercivilengineering803

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has previously advertised for bids for furnishing One (1) New 2003 Police Vehicle to the Police Department of the Town of Lancaster in accordance with specifications on file with the Town Clerk of the Town of Lancaster, and

**WHEREAS**, said bids were opened on August 13, 2003, and

**WHEREAS**, the Chief of Police of the Town of Lancaster has recommended the purchase of the beforementioned vehicle pursuant to said specifications.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the bid of DeLacy Ford, Inc., 3061 Transit Road, Elma, New York 14059 for One (1) New 2003 Police Vehicle pursuant to specifications on file in the Town Clerk's Office, at a cost of \$21,600, with the trade-in allowance for a 1999 Ford Crown Victoria, is hereby accepted and that an order for such vehicle is hereby authorized to be placed by the Chief of Police.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 18, 2003

File: rpolicebids803a

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Chief of Police has recommended an increase in salary for Shirley Hunt, an employee of the Town of Lancaster who shares her time between the Police Department and the Supervisor's Office.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the salary of Shirley Hunt, a shared employee of the Police Department and the Supervisor's Office, be amended to be \$29,143, effective August 17, 2003, which is 90% of the full salary of \$32, 381, and

**BE IT FURTHER**

**RESOLVED**, that the salary of Shirley Hunt shall be at 95%, effective February 17, 2004 and will be adjusted to 100% or full, effective August 17, 2004.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 18, 2003

File: RPERS.UPG (P7)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York 14224, has heretofore applied for approval of a subdivision entitled Summerfield Farms, Phase Three, and

**WHEREAS**, the Planning Board and Town Engineer have given their approval to the filing of this Subdivision, and

**WHEREAS**, the Town Board of the Town of Lancaster has considered and reviewed the beforementioned project.

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the subdivision known as Summerfield Farms, Phase Three, as filed by Pratt & Huth Associates, LLP, dated June 5, 2003 and received August 14, 2003.

2. That the Town Clerk be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 18, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 3758 to Claim No. 4083 Inclusive

Total amount hereby authorized to be paid: \$1,015,542.85

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 18, 2003

File: Reclaims



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**PREVIOUSLY TABLED PERMIT:**

10909	Kid's Korner	2655 Wehrle Dr	Er. Sign-Temp
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**NEW PERMITS:**

10972	Paradowski, Brent	55 Michael Anthony Ln	Er. Deck	
10973	Expert Fence Co Inc	5092 William St	Er. Fence	
10974	Wyroba, Alice	256 Iroquois Ave	Er. Shed	
10975	Lewandowski, David	33 Katelyn Ln	Er. Shed	
10976	Glassbrenner, Gary	265 Enchanted Forest N	Er. Shed	
10977	Cross, Arthur	19 Hidden Trl	Er. Fence	
10978	Collord, T	23 Irwinwood Rd	Er. Res. Alt.	(V/L)
10979	Russo, Matthew	377 Central Ave	Er. Deck	
10980	American Fence	5454 William St	Er. Fence	
10981	Chimera, Thomas	18 Sturm St	Er. Fence	(V/L)
10982	NEC Transit William	4961 Transit Rd	Er. Comm. Bldg.	
10983	Paladino, russell	23 Creekwood Dr	Er. Shed	
10985	Schultz, Gordon	35 Summerfield Dr	Er. Deck	
10986	Duro-Shed Inc	43 Church St	Er. Shed	(V/L)
10987	Colley's Pool Sales Inc	267 Enchanted Forest N	Er. Pool-In Grnd	
10988	All General Builders	15 Court St	Er. Garage	(V/L)
10989	Colley's Pool Sales Inc	267 Enchanted Forest N	Er. Fence	
10990	Home Improvements	12 Bridgewater Ct	Er. Res. Add.	
10991	Swimco Mfg	28 Cedar Brook Dr	Er. Pool-In Grnd	
10992	Duro-Shed Inc	8 Winding Way	Er. Shed	
10993	Duro-Shed Inc	14 Michael's Walk	Er. Shed	
10994	Windsor Ridge, Partners	5 Sussex Ln	Er. Dwlg.-Sin.	
10995 SW	Beebe, Marc	105 Peppermint Rd	Er. Dwlg.-Sin.	
10996	Licata, Michael	210 Nathan's Trl	Er. Fence	
10997 SW	Evans National Bank	4979 Transit Rd	Er. Comm. Bldg.	
10998	Healy, Barbara	225 Nathan's Trl	Er. Shed	
10999	Lehrbach, Jeffery	41 Sussex Ln	Er. Res. Add.	
11000	Duro-Shed Inc	24 Country Pl	Er. Shed	

11001	Duro-Shed Inc	11 Rollingwood Dr	Er. Shed	
11002	Mr Pool Enterprises	27 Stream View Ln	Er. Pool-In Grnd	
11003	Mr Pool Enterprises	27 Stream View Ln	Er. Fence	
11004	Krupka, Gerald	675 Erie St	Er. Res. Add.	
11005	Valazquez, Tony	41 Iroquois Ave	Er. Res. Add.	(V/L)
11006	Yuhnke, John	5080 William St	Er. Res. Add.	
11007	Duro-Shed Inc	1 Fox Trace	Er. Shed	
11008	Duro-Shed Inc	94 Court St	Er. Shed	(V/L)
11009	Toy, Robert Jr	0 Peppermint Rd	Er. Shed	
11010	Marrano/Marc Equity	45 Apple Blossom Blvd	Er. Dwlg.-Sin.	
11011	City Fence Inc	4920 William St	Er. Fence	
11012	Cronin, Michael	555 Pleasant View Dr	Er. Shed	
11013	Alden Pools Inc	36 Grafton Ct	Er. Pool-Abv Grnd	
11014	Jaworowicz, Daniel	5078 William St	Er. Shed	
11015	Iroquois Fence	17 Sussex Ln	Er. Fence	
11016	Duro-Shed Inc	5005 William St	Er. Shed	
11017	Bowmansville VFD	0 Seitz Ave	Er. Comm. Bldg.	
11018	Marzec Construction Inc	47 Bentley Cir	Er. Res. Add.	
11019 SW	Ferry Builders Inc	5 Spring Way	Er. Dwlg.-Sin.	
11020	Porter, John Jr	35 Sagebrush Ln	Er. Fence	
11021	Uniland Development	502 Pavement Rd	Er. Entrance Walls	
11022	Braymiller Builders	38 Pardee Ave	Er. Deck	(V/L)
11023	Uniland Development	502 Pavement Rd	Er. Sign-Wall	
11024	Popek, Anthony	73 Sixth Ave	Er. Shed	(V/L)
11025	Glamour Pools Inc	173 Enchanted Forest S	Er. Fence	
11026	Glamour Pools Inc	173 Enchanted Forest S	Er. Pool-In Grnd	
11027	Ott, John	5599 William St	Er. Res. Add.	
11028	Topcor Contracting	176 Ransom Rd	Dem. Barn	
11029	Accurso, Damon	180 Nathan's Trl	Er. Shed	
11030	Schuster Construction	4942 William St	Er. Res. Add.	
11031	Richarson, Craig	53E Home Rd	Er. Res. Add.	
11032	Duro-Shed Inc	6 Primrose Ln	Er. Shed	
11033	Coffed, James	70 Madison St	Er. Fence	(V/L)
11034	City Fence Inc	57 Stony Brook Dr	Er. Fence	
11035	Meli, Vincent	136 Stony Rd	Er. Deck	

#### BE IT FURTHER

**RESOLVED,** that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 18, 2003

File: Rbldg2

## **SUSPENDED RESOLUTION:**

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

Council Member Montour moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Ruffino, on roll call, which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

## **SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board is aware of a circumstance which has adversely affected certain property owners in Windsor Ridge Subdivision, said circumstance being occasioned by the New York State Department of Environmental Conservation designating a wetland area which now impacts improved properties which were not previously impacted, and

**WHEREAS**, the Town Board has requested that New York State Department of Environmental Conservation review its determination regarding this wetland and amend the wetland boundary such as to remove the improved properties from the 100' boundary of the designated state wetland, and

**WHEREAS**, the Department of Environmental Conservation has communicated to the Town that it will not respond in such a fashion and that the wetland delineation has been set and the boundary will remain the same, and

**WHEREAS**, the Department of Environmental Conservation has not acted responsibly or fairly in dealing with residents and taxpayers of the Town of Lancaster and has caused these property owners to be subjected to an impact imposed after improvements were completed, and

**WHEREAS**, the Town Board deems it appropriate to memorialize Governor George Pataki, Senator Dale Volker, State Representative Paul Tokasz and the Commissioner of the Department of the Environmental Conservation to change the wetland determination made regarding these improved properties and except these properties from the wetland boundary;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby memorializes Governor George Pataki, Senator Dale Volker, Representative Paul Tokasz and the Commissioner of the Department of Environmental Conservation to act promptly to revise the wetland boundary as it affects the Windsor Ridge Subdivision in the Town of Lancaster since such wetland and it's corresponding boundary were determined after the construction of these residential improvements thereby representing a taking by a governmental agency without compensation, to wit, the promulgated wetland and its boundary having so adversely impacted the approved properties as to devalue these properties which is in violation of the Constitution of the United States and the Constitution of the State of New York as a governmental taking without just compensation and is further violative of the due process rights guaranteed by citizens under both the U.S. Constitution and the Constitution of the State of New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

August 18, 2003

File: rwindoridge803

## COMMUNICATIONS & REPORTS:

- 456. Ennio A. Ripa to Town Clerk -  
Advisement of application by Ripa's Restaurant for renewal of liquor license.  
DISPOSITION = Town Attorney
- 457. Linda Desiderio to Town Clerk -  
Advisement of application by Linguine's Italian Restaurant Inc for renewal of liquor license. DISPOSITION = Town Attorney
- 458. Daniel Beutler to Town Board -  
Letter regarding the purchase of town facility (police/courts), 3949 Walden Avenue.  
DISPOSITION = Received and Filed
- 459. Erie County Dept. of Public Works -  
Notice of highway closure of Ransom Road between Westwood Road and Walden Avenue effective August 6, 2003. DISPOSITION = Received and Filed
- 460. Town Clerk to Town Board -  
Transmittal of monthly report for July 2003. DISPOSITION = Received and Filed
- 461. Sharon L. Taylor to Town Board -  
Letter expressing concerns regarding proposed Columbia Avenue Subdivision.  
DISPOSITION = Planning Committee
- 462. Lancaster VFW Veterans Club to Town Clerk -  
Advisement of application by the Lancaster VFW Veterans Club for renewal of liquor license. DISPOSITION = Town Attorney
- 463. Town Clerk to Town Board -  
Transmittal of final report of the 2003 County/Town tax collection. DISPOSITION = Received and Filed
- 464. Office of Emergency Management to Town Board -  
Transmittal of minutes of meeting held July 15, 2003. DISPOSITION = Received and Filed
- 465. Town of Alden Recreation Department to General Crew Chief -  
Letter of appreciation for the directors and staff of the 2003 Carl Schaff Memorial Tournament. DISPOSITION = Received and Filed
- 466. Columbus Club of Lancaster, N.Y. Inc to Town Clerk -  
Advisement of application by the Columbus Club of Lancaster, N.Y. Inc. for renewal of liquor license. DISPOSITION = Town Attorney
- 467. Police Chief to Town Board -  
Recommendation for salary increase for Shirley Hunt. DISPOSITION = Resolution 8/18/03
- 468. Lee Chowaniec to Town Board -  
Comments and concerns regarding the Comprehensive Master Plan.  
DISPOSITION = Received and Filed
- 469. Mary E. Rafalski to Town Board -  
Comments and concerns regarding the Comprehensive Master Plan.  
DISPOSITION = Received and Filed
- 470. Donald G. Symer, P.E. to Town Board -  
Comments and concerns regarding the Comprehensive Master Plan.  
DISPOSITION = Received and Filed
- 471. Association of Erie County Governments to Town Board -  
Notice of meeting to be held August 28, 2003 at 6:30 PM in Eden, N.Y. DISPOSITION = Town Board

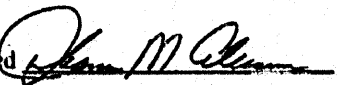
472. Erie County Dept. of Budget, Management and Finance to Town Board -  
Notice of public auction of county-owned parcels of real property to be held  
August 20 & 21, 2003. DISPOSITION = Town Attorney
473. Erie County Executive to Supervisor -  
Notice of Wildlife Rabies Vaccination Program in Erie County. DISPOSITION =  
Received and Filed
474. NYS DEC to Town Board -  
Notice to property owners of Freshwater Wetland Map Amendments. DISPOSITION =  
Received and Filed
475. Greater Buffalo-Niagara Regional Transportation Council to Town Board -  
Notice of meeting to be held August 13, 2003 in East Aurora, N.Y. DISPOSITION =  
Received and Filed
476. Town Engineer to Town Board -  
Notice of conformance to Town requirements of the Summerfield Farms, Phase III  
Subdivision plan. DISPOSITION = Received and Filed

**ADJOURNMENT:**

ON MOTION COUNCIL MEMBER STEMPNIAK AND SECONDED  
BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE MEETING, on roll call,  
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned in memory of Edward C. Pryce at 9:14 P.M.

Signed   
Johanna M. Coleman, Town Clerk